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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,930	01/16/2004	Jie Zou	SKY03011	6524

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EXAMINER

BLOUNT, ERIC

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.		Applicant(s)	
	10/758,930		ZOU ET AL.	
	Examiner		Art Unit	
	Eric M. Blount		2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 and 30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05302006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-28 and 30 are currently pending in the present application.

Response to Arguments

2. Examiner apologizes for the indication of allowable subject matter in the previous official action. Upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 10** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 10, it is unclear what limitations are set forth by the amended fragment "wherein another message that specifies a status of in range of a wireless service provider to the telemetry device." The claim appears to be incomplete.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novik [U.S. Patent No. 6,339,745] in view of Bromley et al [Pub No. US 2004/0167689 A1] in further view of Moore [U.S. Patent No. 6,377,210 B1].

Regarding **claim 1**, Novik discloses a method for managing a plurality of tracked objects; each tracked object corresponds with a telemetry device (see abstract). The method comprises receiving a request for at least one action to be performed by the at least one corresponding telemetry device and transmitting, to the at least one corresponding telemetry device, a message including information indicating the at least one action, at least one geographical map indication of at least one location of each tracked vehicle is displayed (Figures 1&2, column 2, and column 4, lines 45-63). Novik does not specifically disclose that a web browser is used in the method.

In an analogous art, Bromley discloses a system and method for managing a plurality of tracked objects (100), each tracked object (128) associated with a corresponding telemetry device (130). The method comprises a step of the telemetry device or devices receiving from a web browser a request for at least one action to be performed (paragraph 38). The web browser is configured to display information about one of or each of a plurality of tracked objects (Figures 3-6B and paragraph 96).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Novik to include the use of a web browser as taught by Bromley because the modification would have resulted in a system capable of monitoring a plurality of tracked objects from a remote location using a well known Internet web-based browser environment for reliably communicating information.

Neither Novik nor Bromley disclose a step of determining whether one of the tracked objects includes a status of in range of a service provider. In an analogous art, Moore discloses an automatic mobile object locator which comprises a step of determining whether a tracked object includes a status of in range of a wireless service provider (column 5, lines 55-64). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Novik as modified by Bromley, to include a step of determining whether a tracked object is in range of a wireless service provider, as taught by Moore, because the modification would result in a system that would not waste unnecessary power by continuously transmitting messages to an out of range device. Instead, messages would be stored and a transmission would be made once the tracked object came back within range of the service provider.

As for **claims 2 and 3**, Novik discloses a method wherein the at least one action includes instructing the tracked object to perform a tracked object activity. The tracked object activity includes several functions such as turning on the ignition of a vehicle on (column 13, line 65 – column 14, lines 16).

As for **claims 4 and 6**, disclosed is a method wherein the at least one action includes obtaining data indicating at least one status of the tracked object. The status of the tracked object may include location status (Novik, column 6, lines 3-13 and column 14, lines 40-54).

As for **claim 5**, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that some type of Input/Output interface be present on the telemetry device taught by Novik. One of ordinary skill in the art would recognize that status information could be obtained from the Input/Output interface. Bromley discloses an

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Input/Output interface located on the telemetry device for communication (paragraphs 63 and 64). This reasonably appears to meet the limitations set forth by the claims. Further applicant admits, "status may be obtained by any number of means" in the response to the Official action mailed July 13, 2005. Thus, while Novik and Bromley reasonably suggest the limitation, the use of an Input/Output interface to obtain status information can be viewed as a matter of design.

Regarding **claim 7**, Novik discloses a method of receiving from the at least one corresponding telemetry devices, a message including an indication of at least one status of the corresponding tracked object and transmitting display information including a display indicator of an alert based on the at least one status (column 4, lines 20-67 and column 12, lines 59-67). It would have been obvious to one of ordinary skill in the art at the time of the invention that if a web browser were used, as taught by Bromley, that the display information would be transmitted to the web browser for display.

As for **claim 8**, Novik does not specifically disclose a method for preprocessing and transmitting information to a web browser. Bromley discloses that communication with a web browser includes the transmission of information, which is processed by a server and sent in a file with associating data to the web browser (paragraphs 52 and 53). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that map images transmitted by Novik would be processed by the server taught by Bromley if the map information were to be displayed by the web browser.

As for **claim 9**, Novik, Bromley, and Moore reasonably meet and/or suggest all of the limitations of the claims (see claim 1 above). As for communication with the web browser including the transmission of information, which is preprocessed, by a servlet, Examiner takes

official notice that the use of servlets using a Java platform was well known at the time of the invention by the applicant. The specification does not show or suggest that applicants are using the servlets for a new and useful purpose. Examiner contends that it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to use and/or develop an appropriate servlet for communicating with a web browser by receiving a request and providing an appropriate response. This practice was well known and commonly used in the art at the time of the invention.

Regarding **claim 10**, as best understood, disclosed is a display device for managing a plurality of tracked objects associated with a corresponding telemetry device (Novik, column 6, lines 14-33). The device may be configured to process a request for at least one action to be performed by the at least one corresponding telemetry device, to display at least one geographical map indication of at least one location of each tracked object, and to transmit information for inclusion in a message for transmission to the corresponding telemetry device, the message including information indicating the at least one action (column 4, line 55 – column 6, line 2 and column 14, lines 1-15).). Novik does not specifically disclose that a web browser is used with the display device or a range status of a telemetry device.

In an analogous art, Bromley discloses a system and method for managing a plurality of tracked objects (100), each tracked object (128) associated with a corresponding telemetry device (130). The display device comprises a web browser configured to process a request for at least one action to be performed by a corresponding telemetry device (paragraph 38). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the display device of Novik to include the use of a web browser as taught by Bromley

because the modification would have resulted in a system capable of monitoring a plurality of tracked objects from a remote location using a well known Internet web-based browser environment for reliably communicating information.

Neither Novik nor Bromley disclose a step of determining whether one of the tracked objects includes a status of in range of a service provider. In an analogous art, Moore discloses an automatic mobile object locator which comprises a step of determining whether a tracked object includes a status of in range of a wireless service provider (column 5, lines 55-64). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the invention of Novik as modified by Bromley, to include a step of determining whether a tracked object is in range of a wireless service provider, as taught by Moore, because the modification would result in a system that would not waste unnecessary power by continuously transmitting messages to an out of range device. Instead, messages would be stored and a transmission would be made once the tracked object came back within range of the service provider.

As for **claims 11 and 12**, Novik discloses a method wherein the at least one action includes instructing the tracked object to perform a tracked object activity. The tracked object activity includes several functions such as turning on the ignition of a vehicle on (column 13, line 65 – column 14, lines 16).

As for **claims 13 and 15**, disclosed is a method wherein the at least one action includes obtaining data indicating at least one status of the tracked object. The status of the tracked object may include location status (Novik, column 6, lines 3-13 and column 14, lines 40-54).

As for **claim 14**, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that some type of Input/Output interface be present on the telemetry device taught by Novik. One of ordinary skill in the art would recognize that status information could be obtained from the Input/Output interface. Bromley discloses an Input/Output interface located on the telemetry device for communication (paragraphs 63 and 64). This reasonably appears to meet the limitations set forth by the claims. Further applicant admits, "status may be obtained by any number of means" in the response to the Official action mailed July 13, 2005. Thus, while Novik and Bromley reasonably suggest the limitation, the use of an Input/Output interface to obtain status information can be viewed as a matter of design.

Regarding **claim 16**, Novik discloses a method of receiving from the at least one corresponding telemetry devices, a message including an indication of at least one status of the corresponding tracked object and transmitting display information including a display indicator of an alert based on the at least one status (column 4, lines 20-67 and column 12, lines 59-67). It would have been obvious to one of ordinary skill in the art at the time of the invention that if a web browser were used, as taught by Bromley, that the display information would be transmitted to the web browser for display.

As for **claim 17**, Novik does not specifically disclose a method for preprocessing and transmitting information to a web browser. Bromley discloses that communication with a web browser includes the transmission of information, which is processed by a server and sent in a file with associating data to the web browser (paragraphs 52 and 53). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that map

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images transmitted by Novik would be processed by the server taught by Bromley if the map information were to be displayed by the web browser.

As for **claim 18**, the claim is interpreted and rejected as explained in the rejection of claim 9 above.

As for **claim 19**, Novik discloses a computer readable medium carrying one or more sequences of one or more instructions for prioritizing transmission of messages from a telemetry device (column 4, line 64-column 5, line 67). Novik also discloses the steps of receiving and transmitting as stated in the claim. Bromley discloses the use of a web browser for transmitting and receiving information from corresponding telemetry devices. Moore discloses a step of determining whether a tracked object is within range of a wireless service provider. Please refer to the discussion of claims 1 and 10 above for further explanation.

As for **claims 20 and 21**, Novik discloses a method wherein the at least one action includes instructing the tracked object to perform a tracked object activity. The tracked object activity includes several functions such as turning on the ignition of a vehicle on (column 13, line 65 – column 14, lines 16).

As for **claims 22 and 24**, disclosed is a method wherein the at least one action includes obtaining data indicating at least one status of the tracked object. The status of the tracked object may include location status (Novik, column 6, lines 3-13 and column 14, lines 40-54).

As for **claim 23**, the claim is interpreted and rejected as explained in the rejections of claims 5 and 14 above.

As for **claim 25**, the claim is interpreted and rejected as explained in the rejection of claim 19 above.

As for **claim 26**, the claim is interpreted and rejected as explained in the rejections of claims 8 and 17 above.

As for **claim 27**, the claim is interpreted and rejected as explained in the rejection of claim 9 above.

Regarding **claims 28 and 30**, Novik, Bromley, and Moore reasonably teach or suggest all of the limitations set forth by the claims. Please refer to the claims above for a further explanation of how the references describe or suggest all claimed limitations.

Conclusion

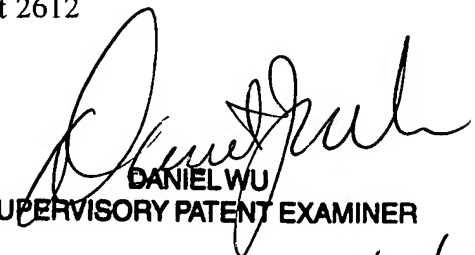
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount
Examiner
Art Unit 2612


DANIEL WU
SUPERVISORY PATENT EXAMINER
7/10/06